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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Oman

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Introduction

1. The Sultanate of Oman is convinced that the universal periodic review mechanism plays an important role in developing and consolidating human rights in a context of participation and interaction between States, institutions of the international community and the Human Rights Council. The Sultanate reaffirms its commitment to pursuing efforts to protect and promote human rights in all areas and to participating actively in the Human Rights Council, while at the same time underscoring the importance of respecting different cultures.

2. The Sultanate received 233 recommendations at the twenty-fourth session, all of which were reviewed by a specialized committee composed of a number of governmental institutions, civil society organizations, experts and the National Human Rights Commission. The consultations led to the following conclusions:

- Oman accepts, in full or in part, 169 recommendations. Partial acceptance means that Oman accepts part of the recommendation but does not accept the remainder either because it does not reflect the existing situation or is inconsistent with the Sultanate's policy principles and laws;
- It takes note of 28 recommendations;
- It rejects 36 recommendations, either because they are inconsistent with Islamic Law or with the laws and culture of Oman, because they are premature, for example where Oman is asked to ratify a protocol before it has acceded to the relevant treaty, or because the recommendation does not accurately reflect the existing situation in Oman.

3. The positions of Oman concerning the recommendations are set out in detail below:

129.1 (accepted)

The Sultanate will take the necessary measures set forth in the Basic Law of the State to accede to the treaties as soon as possible.

129.2 (accepted)

Oman attaches importance to its accession to the three human rights treaties that it has already approved, as stated in the comment on the previous recommendation. Once the measures to accede to the approved treaties have been completed, the remaining treaties will be studied in the light of national interests.

Oman has hitherto acceded to the following six treaties and protocols:

- The Convention on the Elimination of All Forms of Discrimination against Women;
- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Rights of the Child;
- The first Optional Protocol to the Convention on the Rights of the Child;
- The second Optional Protocol to the Convention on the Rights of the Child;
- The Convention on the Rights of Persons with Disabilities.

During the current session, Oman has also agreed to accede to the Convention against Discrimination in Education.

129.3 (partially accepted)

Oman has agreed to ratify the International Covenant on Economic, Social and Cultural Rights, and it is currently considering the possibility of acceding to the International Covenant on Civil and Political Rights. Oman prioritizes accession to treaties on which agreement has been reached and defers consideration of accession to optional protocols, in accordance with public international law which prevents a State from acceding to protocols before it has acceded to the relevant international treaty.

129.4 to 129.11 (noted)

Further study is required. Oman has agreed to ratify the International Covenant on Economic, Social and Cultural Rights. It is currently considering the possibility of acceding to the International Covenant on Civil and Political Rights and the requirements to be met.

States have the right to exercise their discretionary authority to enter reservations to provisions of the International Covenant on Civil and Political Rights in accordance with their interests.

129.12 to 129.15 (noted)

Oman is currently considering the possibility of acceding to the International Covenant on Civil and Political Rights. Oman defers consideration of accession to optional protocols in accordance with public international law, which prevents a State from acceding to protocols before it has acceded to the relevant international treaty.

129.16 and 129.17 (accepted)

Oman has approved accession to and ratification of the International Covenant on Economic, Social and Cultural Rights.

129.18 (partially accepted)

Oman has approved accession to and ratification of the International Covenant on Economic, Social and Cultural Rights. It will now study the articles to which reservations may be entered in the light of its national interests, which is a right guaranteed to all States that accede to the Covenant.

129.19 to 129.25 (accepted)

See the clarification concerning recommendation 16.

129.26 (partially accepted)

Oman has approved ratification of the International Covenant on Economic, Social and Cultural Rights. It will now consider the appropriateness of acceding to the Optional Protocol to the Covenant.

129.27, 129.28 and 129.29 (accepted)

Oman will take the necessary measures set forth in the Basic Law of the State with a view to acceding as soon as possible to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It will also study the articles to which reservations may be entered in the light of its assessment of existing national interests, which is a right guaranteed to all States.

129.30 to 129.32 (accepted)

See the clarification concerning recommendation 27.

129.33 and 129.34 (accepted)

Oman is currently focusing on its accession to the Convention against Torture. It will then consider the possibility of acceding to the Optional Protocol to the Convention.

129.35 (noted)

Oman attaches importance to its accession to the Convention against Torture. It is deferring consideration of accession to the Optional Protocol in accordance with public international law, which prevents a State from acceding to protocols before it has acceded to the relevant international treaty.

129.36 (partially accepted)

Oman has agreed in principle to withdraw its reservation to article 15 (4) of the Convention on the Elimination of All Forms of Discrimination against Women and will take the measures prescribed in the Basic Law of the State to give effect to the withdrawal. Oman has already accepted the possibility of undertaking a systematic review of its reservations in light of what it deems to be appropriate and in its national interest. However, it makes no prior commitment to their withdrawal.

129.37, 129.38 (accepted)

See the clarification concerning recommendation 36.

129.39 and 129.40 (not accepted)

Oman attaches importance to its accession to human rights treaties. It will subsequently consider accession to additional protocols in the light of its interests and the legislation in force.

129.41 (partially accepted)

Oman has already withdrawn all its reservations to the Convention on the Rights of the Child except for the reservation to article 14,[1] and it has acceded to the two Optional Protocols to the Convention without any reservations.[2]

129.42 (accepted)

129.43 (noted)

See the clarification concerning recommendation 39.

129.44 (not accepted)

There are no migrant workers in Oman, but only expatriate workers[3] who enjoy full rights in accordance with the Labour Code.

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[1] Pursuant to Royal Decree No. 86/2011.

[2] Pursuant to Royal Decree No. 41/2004.

[3] Expatriate workers are workers who come to Oman to work under temporary employment contracts.

129.45 and 129.46 (partially accepted)

Oman prioritizes accession to human rights instruments that have been approved, as stated in the clarifications concerning recommendations 1 and 2, and will subsequently turn its attention to other treaties.

129.47 (not accepted)

See the clarification concerning recommendation 45.

129.48 (not accepted)

See the clarification concerning recommendation 45.

129.49 (not accepted)

129.50 to 129.55 (not accepted)

129.56 (noted)

Oman is studying the conventions of the International Labour Organization with a view to establishing which conventions are consistent with domestic legislation and coincide with the public interest.

129.57 (accepted)

129.58 (not accepted)

Omani law guarantees all the rights of domestic workers.

129.59 (noted)

See the clarification concerning recommendation 56.

129.60 (partially accepted)

See the clarification concerning recommendation 58.

129.61 (partially accepted)

Oman is endeavouring to increase the participation of citizens in decision-making and attaches importance to action in support of the National Human Rights Commission.

129.62 (accepted)

129.63 (accepted)

129.64 (accepted)

129.65 (partially accepted)

Gender-based discrimination is prohibited under the Basic Law of the State and the Children's Act. The rights of women in the context of private life are regulated by the Personal Status Act. The Act reflects the provisions of Islamic sharia law, which is the source of legislation in Oman and which in no way discriminates against women.

129.66 (accepted)

129.67 (partially accepted)

It should be noted, in addition to the clarification concerning recommendation 65 presented above, that the Omani Nationality Act deals with questions of State sovereignty and public order, which may be regulated at the State's will.

129.68 (noted)

The current legislation in Oman guarantees every child the right to a nationality from birth, in accordance with the Convention on the Rights of the Child, irrespective of the grounds on which they acquire the nationality. It follows that no children born in Oman are stateless.

129.69 (not accepted)

129.70 (partially accepted)

Article 17 of the Basic Law of the State guarantees equal public rights and duties to all citizens. The reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women cannot be withdrawn because the Omani Nationality Act stipulates that nationality shall be acquired through a blood relationship with the father. The Omani Nationality Act guarantees every child born in Oman the right to a nationality, in accordance with the Convention on the Rights of the Child.

129.71 and 129.72 (partially accepted)

There is no discrimination against women or girls either in law or in practice, and the Basic Law of the State guarantees the principle of equality among citizens. Nationality is an issue pertaining to State sovereignty and public order, which can be regulated at the State's will.

129.73 to 129.75 (not accepted)

See the clarification concerning recommendation 70.

129.76 and 129.77 (partially accepted)

The international treaties to which Oman has acceded form part of domestic law and, according to the provisions of the Basic Law of the State, may not be contravened.

129.78 and 129.79 (not accepted)

129.80 (accepted)

129.81 (accepted)

129.82 (partially accepted) already implemented

There is no need to enact a specific law criminalizing violence against women and domestic violence because the Omani Criminal Code already criminalizes violent acts to which women and children may be subjected. Victims of such violence can have recourse to the competent legal authorities to ensure that perpetrators are held accountable.

129.83 (partially accepted) already implemented

It should be noted, in addition to the clarification concerning recommendation 82 presented above, that the term "marital rape" does not appear in Omani legislation.

129.84 (accepted)

129.85 (partially accepted)

See the clarifications concerning the withdrawal of the reservation presented in connection with recommendations 36 and 82. A special procedure exists for receiving complaints of violence against women, and the Omani legislation currently in force guarantees that perpetrators are punished and held accountable and that victims of violence receive compensation.

129.86 to 129.88 (accepted)

129.89 (partially accepted) already implemented with regard to discrimination on the basis of sexual orientation

There is no discrimination on the basis of sexual orientation in Oman, since individuals derive rights from their legal status, regardless of their sexual orientation.

129.90 (accepted)

129.91 (accepted)

The right of access to information is guaranteed in Oman unless the information relates to national security or the sanctity of private life. Such information cannot be disclosed because it would undermine security and adversely affect individual rights and the public interest.

129.92 (not accepted)

The Basic Law of the State guarantees the right to freedom of opinion and of oral, written or other means of expression. However, that right must be exercised in conformity with the basic principles and values of society.

129.93 (not accepted)

The Community Associations Act regulates the formation and activities of associations.[4]

[4] The Community Associations Act authorizes the Ministry of Social Development to consider requests for the registration of community associations. The Ministry is required by the Act to specify the grounds for rejecting a request. Moreover, persons whose request to register an association is rejected may file a complaint with the Minister. If the Minister rejects the complaint, the persons concerned may lodge an appeal with the Administrative Court, an independent judicial body which is authorized, under the Basic Law of the State, to rule on the validity of administrative decrees. The fact that many community associations have been registered recently in Oman confirms the flexibility and transparency of the procedures involved. With a view to ensuring that community associations do not obtain funding illegally, the Act prohibits associations from accepting funds from foreign individuals or organizations.

129.94 (accepted)

129.95 (partially accepted)

Oman actively contributes to the resolution of material and political problems faced by refugees in the Middle East and other troubled regions. It is committed to remaining neutral in its approach to such issues.

129.96 (accepted)

129.97 to 129.101 (noted)

The National Human Rights Commission was established[5] because Oman was convinced of the important role played by an independent human rights institution. The composition of the Commission, the definition of its mandate and its rules of procedure all reflect the Paris Principles:

- Participation of civil society organizations in its formation;
- Cooperation of government bodies;
- Involvement in the preparation of governmental reports on human rights;
- Granting of a general mandate in the area of human rights in Oman;
- A guarantee of financial independence through the allocation of resources from the general budget.

129.102 (accepted)

129.103 (accepted)

129.104 to 129.126 (accepted)

129.127 (partially accepted)

Oman cooperates with human rights mechanisms by submitting periodic reports to the relevant treaty bodies concerning its progress in implementing the human rights instruments to which it is a party. However, requests received from Special Rapporteurs are considered individually and Oman is not considering the extension of a standing invitation.

129.128 and 129.129 (noted)

129.130 (partially accepted)

The Government is taking steps to address all forms of discrimination, in accordance with its obligations under the Basic Law of the State, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, there are no discriminatory provisions in Omani legislation.

[5] Pursuant to Royal Decree No. 124/2008.

129.131 (partially accepted)

129.132 to 129.139 (not accepted)

The death penalty is imposed under Omani law only for the most serious crimes. It is accompanied by numerous safeguards, which ensure that the scope of its application remains as narrow as possible and that all judicial guarantees are made available prior to its confirmation, including a mandatory appeal procedure before the Supreme Court. The sentence is executed according to precise and specific procedures and only after it has been ratified by the Sultan, who is authorized to issue a pardon. The death penalty is not applicable to children or pregnant women.

129.140 to 129.152 (accepted)

129.153 (noted)

The Basic Law of the State guarantees freedom of opinion, expression and peaceful assembly, and freedom of association is guaranteed by the Community Associations Act. Any individual who commits an act that contravenes the current legislation regulating peaceful assembly and association is questioned by the judicial authorities and provided with all the guarantees necessary to exercise the right of defence.

129.154 (noted)

The Press and Publications Act[6] criminalizes acts that violate individual rights and freedoms, such as acts that incite hatred and strife, lead to immoral behaviour or spread disunity among citizens. This should not, however, be a source of concern because the penalties are imposed by the competent judicial authorities, whose neutrality and impartiality are ensured by the Basic Law of the State and the applicable legislation. Furthermore, a bill amending the Press and Publications Act provides for the abolition of the penalty of imprisonment.

129.155 (noted)

The Omani Criminal Code does not infringe upon the right of individuals to freedom of opinion and expression provided that the right is exercised in conformity with the law and does not disturb law and order.

129.156 (accepted)

The Press and Publications Act and the Telecommunications Act also guarantee the right to freedom of expression unless it is exercised in a manner that disturbs law and order.

129.157 (accepted)

129.158 (accepted)

129.159 (partially accepted)

Omani laws enshrine the principle of protection of the human rights of all expatriate workers. There is therefore no contradiction between current labour legislation and human rights.

[6] Issued pursuant to Royal Decree No. 49/84.

129.160 (partially accepted)

Omani legislation guarantees freedom of assembly when it is peaceful and does not disturb law and order. The law punishes acts that can cause peaceful assembly to lead to disturbances of law and order or public morals or to infringements of the law.

129.161 (accepted)

129.162 (accepted)

The right to peaceful assembly is enshrined in the legislation unless it leads to a disturbance of law and order. Such assembly does not require registration or approval unless it may lead to a disturbance of law and order.

129.163 (noted)

Access to justice is a right available to all persons. An official accused of any offence is investigated by the competent judicial authorities.

129.164 (partially accepted)

The law guarantees the right to peaceful assembly and the right of association. It is not possible to remove all restrictions on peaceful assembly as their purpose is to ensure that such assemblies remain peaceful and do not disturb law and order or violate the rights of others.

129.165 (partially accepted)

Freedom of association is guaranteed under the Community Associations Act. Associations established in accordance with the law may exercise their activities without let or hindrance.

129.166 (not accepted)

The implementation of article 134 of the Omani Penal Code does not affect the right to peaceful assembly and the right of association, since its scope is limited to associations that are hostile to the basic principles of Omani society.

129.167 to 129.169 (not accepted)

129.170 (partially accepted)

Oman is continuing to draft amendments to legislation regulating freedom of peaceful assembly and freedom of association.

129.171 (not accepted)

129.172 (accepted)

129.173 (partially accepted)

The right to freedom of opinion and of oral, written or other means of expression is guaranteed by the Basic Law of the State provided that the exercise of that right does not violate laws regulating the right of expression and does not disturb law and order or cause harm to others.

129.174 (accepted)

129.175 (accepted)

129.176 (not accepted)

129.177 to 129.184 (accepted)

129.185 to 129.197 (accepted)

129.198 (accepted)

The Labour Code and other applicable laws in Oman provide protection for workers, enable them to secure their rights and provide all the guarantees they require for the exercise of their rights. It should be recalled that there are no migrant workers in Oman but only workers employed under temporary contracts.

129.199 (accepted)

129.200 (accepted)

129.201 to 129.204 (accepted)

The term *kafala* is not used in current labour legislation. The Labour Code and other laws protect workers from ill-treatment and enable them to secure all their rights, including compensation for any damage they may suffer.

129.205 to 129.209 (accepted)

129.210 to 129.214 (accepted)

Basic education is compulsory and free for all Omanis, as stipulated in the Children's Act.

129.215 to 129.227 (accepted)

129.228 to 129.233 (accepted)